

ENTERED

November 03, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PRESTINA YARRINGTON,

Plaintiff,

vs.

TRS STAFFING SOLUTIONS, INC.,

Defendant.

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CIVIL ACTION NO. 4:15-CV-02447

ORDER

Pending before the Court is the defendant's, TRS Staffing Solutions, Inc. (the "defendant"), motion for summary judgment. (Dkt. No. 17). The plaintiff, Prestina Yarrington (the "plaintiff"), has filed responses in opposition to the defendant's motion (Dkt Nos. 22 & 25) and the defendant has filed a reply. (Dkt. No. 23). After having carefully evaluated the parties' submissions, the record, the undisputed facts and the applicable law, the Court determines that the defendant's motion for summary judgment should be **DENIED**, as the parties have tendered conflicting summary judgment evidence. Without commenting on the strength or credibility of the evidence presented, the Court determines that disputed issues of material fact remain and deems summary judgment inappropriate. Accordingly, it is hereby **ORDERED** that:

1. The defendant's motion for summary judgment is **DENIED**;
2. Docket call in this case, originally set for Monday, November 7, 2016, at 11:30 a.m. is canceled and the matter is set for trial on **December 12, 2016 at 1:30 p.m.**
3. The parties' Joint Pretrial Statement is due on or before **Monday, December 5, 2016**.

It is so **ORDERED**.SIGNED on this 3rd day of November, 2016.

Kenneth M. Hoyt
United States District Judge